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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,319	03/29/2002	Wilhelm Aures	449122026300	7284
7590	03/20/2006			EXAMINER
MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 300 MCLEAN, VA 22102				SHEW, JOHN
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 03/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/089,319	AURES ET AL
	<b>Examiner</b>	<b>Art Unit</b>
	John L. Shew	2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 10/2/2002.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-8 and 11-17 is/are rejected.
- 7) Claim(s) 9 and 10 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 03292002, 10022002.
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Drawings***

1. The subject matter of this application admits of illustration by a drawing to facilitate understanding of the invention. Applicant is required to furnish a drawing under 37 CFR 1.81(c). No new matter may be introduced in the required drawing. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).

***Specification***

1. The disclosure is objected to because of the following informalities:

Page 18 line 24 cites "connecitons" should be "connections".

Page 28 line 6 cites "v not" should be "vnot".

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 3, 4, 6, 7, 8, 11, 12, 13, 14, 15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Ertz et al. (Patent No. 5323444).

Claim 1, Ertz teaches a method for controlling instances of access to transmission resources of a communications network for transferring information items (Fig. 1, Abstract lines 1-18) referenced by the control of a call to a Public Safety Answering Point based on its call capacity before the call is routed, comprising checking an event of an instance of access to the communications network to determine if the amount of transmission resources required for the information transfer is currently available in the communications network (Fig. 63, col. 104 lines 17-67, col. 105 lines 1-30) referenced by the determination if the PSAP of the network is at Call Capacity before routing the call to the PSAP, determining the priority of the instance of access upon ascertaining an amount of currently available transmission resources sufficient for the information transfer (Fig. 19(a), col. 10 lines 45-67, claim 38 lines 1-28) referenced by the initial destination lookup from an Emergency Service Number table based on ANI step 3 and

an emergency call to a PSAP being a preferred priority, and allocating the transmission resources required for the information transfer made in the communications network in the event of a high priority of the instance of access (Fig. 62, col. 103 lines 17-67, col. 104 lines 1-16) referenced by the determination the PSAP is not at Call Capacity step 11 and PSAP can accept another call step 13.

Claim 2, Ertz teaches wherein the transmission resources made available are allocated for the information transfer (Fig. 19(a), col. 10 lines 45-67) referenced by the Route Call step 11 followed by Routing is Successful step 8 wherein the transmission resources for the call is allocated.

Claim 3, Ertz teaches further comprising determining at least one of the priority of the instance of access is using destination information items transferred in the course of the current instance of access (Fig. 10, Fig. 19(a), col. 10 lines 45-67) referenced by the incoming call processed through a check destination facility 630 wherein the ANI is used to determine a priority call from the Emergency Service Number table step 3, and of information items transferred in the course of the current instance of access and representing the type of information items to be transferred (Fig. 19(a), col. 10 lines 45-67, Fig. 20) referenced by the ANI being an emergency type of information from the ESN table search of step 3 to determine an available PSAP, and the priority of the allocated transmission resources by the type of information items transferred (Fig. 20,

col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Check Destination 100 for preferred priority calls to PSAP 103 or non priority PSTN Destination Number 101.

Claim 4, Ertz teaches wherein instances of access to the communications network for transferring information items with destination information items identifying an emergency call center have a high priority (col. 3 lines 63-66, Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Check Destination 100 for preferred priority calls to Public Safety Access Point 103 which is an emergency call center for E9-1-1 calls, the information items to be transferred to the emergency call center being assigned a high priority (Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the preferred priority of calls to PSAP.

Claim 6, Ertz teaches wherein the required transmission resources are determined and made available randomly (Fig. 63, col. 105 lines 19-26) referenced by the acceptance by the PSAP of another call step 17 without limitation on a particular trunk line.

Claim 7, Ertz teaches wherein the transmission resources made available are allocated to the instances of access having a high priority (Fig. 1, col. 8 lines 30-66, claim 38 lines 6) referenced by the subscriber being an Emergency Service Requestor initiates an E9-1-1 call 201 which are preferred priority calls checked against an Emergency Service Number table 213 for routing to a PSAP, for the information transfer the allocated transmission resources being assigned a high priority (Fig. 20, col. 12 lines 39-57, claim

38 lines 1-28) referenced by the preferred priority of calls to PSAP routed to an available PSAP destination step 103.

Claim 8, Ertz teaches wherein the transmission resources are arranged between switching devices arranged in the communications network (Fig. 1, col. 8 lines 58-67, col. 9 lines 1-12) referenced by the Public Telephone Network 219 and the Call Routing Switch 218 of Platform 204, and/or between a switching device of the communications network and at least one front-end device arranged in the subscriber access area of the switching device (Fig. 2, col. 10 lines 8-29, lines 45-67) referenced by the Call Routing Switch 218 and the Applications Processor 234 which is a front end for searching the TN/ESN table 213 using a combination of NPD and ANI information which is accessible through Workstation 212.

Claim 11, Ertz teaches wherein the transmission resources are implemented by a prescribed number of trunks or by a prescribed number of time-division-multiplex-oriented transmission channels (Fig. 1, col. 8 lines 58-66) referenced by the incoming Emergency Service trunk 206 from the Public Telephone Network 219 which are inherently time division multiplexed.

Claim 12, Ertz teaches a communications system for controlling instances of access to transmission resources of a communications network (Fig. 1, Abstract lines 1-18) referenced by the control of a call to a Public Safety Answering Point based on it's call

capacity before the call is routed, comprising at least one switching device arranged in the communications network (Fig. 1, col. 8 lines 58-67, col. 9 lines 1-12) referenced by the Platform 204 with Call Routing Switch 218, transmission resources assigned to the at least one switching device and allocated for transmitting information items (Fig. 1, col. 8 lines 30-43) referenced by the incoming/outgoing trunks 206 of the Call Routing Switch 218, and a device provided in the event of an instance of access to the transmission resources to check the current availability of the transmission resources required for the information transfer (Fig.1, Fig. 63, col. 104 lines 17-67, col. 105 lines 1-30) referenced by the Application Processor 234 determination if the PSAP of the network is at Call Capacity before routing the call to the PSAP, a determining device to determine the priority of the instance of access upon ascertaining an amount of currently available transmission resources insufficient for the information transfer are arranged in the at least one switching device (Fig. 1, Fig. 63, col. 104 lines 17-67, col. 105 lines 1-30, claim 38, claim 38 lines 1-28) referenced by the preferred priority of calls to PSAP and the Platform 204 determination if the PSAP is at call capacity and cannot accept any more calls step 18 through the associated trunks of the call routing switch 218, and the event of a determined high priority of the instance of access are provided in the at least one switching device and the transmission resources required for the information transfer are made available (Fig. 19(a), col. 10 lines 45-67, col. 11 lines 1-15, claim 38 lines 1-28) referenced by the initial destination lookup from an Emergency Service Number table based on ANI step 3 and Get Alternative step 13 if the PSAP is

at capacity to obtain alternate transmission resources with the emergency call to a PSAP being a preferred priority.

Claim 13, Ertz teaches wherein the device for rendering available the required transmission resources is configured such that the transmission resources made available are allocated to the instance of access for the information transfer (Fig. 1, Fig. 63, col. 105 lines 19-26) referenced by the Platform 204 determination that the destination PSAP is not at capacity and can accept another call step 17 wherein the call is routed to the PSAP.

Claim 14, Ertz teaches wherein the allocatable transmission resources assigned to the at least one switching device are arranged between at least one of the at least one switching device and at least one further switching device (Fig. 1, col. 8 lines 58-67, col. 9 lines 1-12) referenced by the Public Telephone Network 219 which inherently is composed of telephone switching devices and the Call Routing Switch 218 of Platform 204, and are arranged between the at least one switching device and at least one front-end device arranged in the subscriber access area of the switching device (Fig. 2, col. 10 lines 8-29, lines 45-67) referenced by the Call Routing Switch 218 and the Applications Processor 234 which is a front end for searching the TN/ESN table 213 using a combination of NPD and ANI information which is accessible through Workstation 212.

Claim 15, Ertz teaches wherein the determining device to determine the priority of the instance of access are configured such that the priority is determined with at least one of destination information items transferred in the course of the current instance of access (Fig. 1, col. 10 lines 45-61, Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Platform 204 performing a Check Destination 100 for preferred priority calls to PSAP 103 or non priority PSTN Destination Number 101 wherein the preferred priority call is based on emergency 9-1-1 digits of the current call and the ANI identifier, and with information items transferred in the course of the current instance of access and representing the type of the information items to be transferred (col. 10 lines 45-61) referenced by the emergency 9-1-1 digits and the ANI of the current call representing a preferred priority, the priority of the allocated transmission resources being determined during the information transfer by the type of transferred information items (Fig. 1, col. 10 lines 45-61, Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Platform 204 performing a Check Destination 100 for preferred priority calls to PSAP 103 or non priority PSTN Destination Number 101 wherein the preferred priority call is based on emergency 9-1-1 digits of the current call and the ANI identifier.

Claim 17, Ertz teaches wherein the transmission resources assigned to the switching device are implemented by trunks outgoing from the at least one switching device or by outgoing time-division-multiplex-oriented transmission channels (Fig. 1, col. 8 lines 58-66) referenced by the Emergency Service trunk 206 to/from the Call Routing Switch 218

from the Public Telephone Network 219 and the outgoing trunks to the Public Telephone Network 219 for termination to the PSAP all of which are inherently time division multiplexed lines.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 5, 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ertz as applied to claims 1, 12 above, in view of Barnhouse et al. (Patent No. US 6418461 B1).

Claim 5, Ertz teaches further comprising allocating the transmission resources required for the information transfer made such that corresponding transmission resources assigned at least to one instance of access having a low priority (Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Check Destination 100 for non priority of PSTN Destination Number calls step 101. Ertz does not teach for the information transfer are released or made available or corresponding transmission resources

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allocated for the transfer of information items assigned a low priority are released or made available.

Barnhouse teaches for the information transfer are released or made available or corresponding transmission resources allocated for the transfer of information items assigned a low priority are released or made available (Fig. 10, col. 17 lines 7-25) referenced by the Override service 356 to force a terminator to accept an origination over a call blockage 346 thereby releasing lower priority resources which are blocked for the use by the override service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the intelligent call processor of Barnhouse to the emergency call system of Ertz for the purpose of providing a logical platform having a plurality of functions wherein at least one of the functions is service processing function as suggested by Barnhouse (col. 6 lines 30-35).

Claim 16, Ertz teaches wherein the device to render available the required transmission resources are configured such that at least one corresponding transmission resources assigned at least to one instance of access having a low priority (Fig. 1, Fig. 20, col. 12 lines 39-57, claim 38 lines 1-28) referenced by the Platform 204 performing Check Destination 100 for non priority of PSTN Destination Number calls step 101.

Ertz does not teach for the information transfer are released or made available or corresponding transmission resources allocated for the transfer of information items assigned a low priority are released or made available.

Barnhouse teaches for the information transfer are released or made available or corresponding transmission resources allocated for the transfer of information items assigned a low priority are released or made available (Fig. 10, col. 17 lines 7-25) referenced by the Override service 356 to force a terminator to accept an origination over a call blockage 346 thereby releasing lower priority resources which are blocked for the use by the override service.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the intelligent call processor of Barnhouse to the emergency call system of Ertz for the purpose of providing a logical platform having a plurality of functions wherein at least one of the functions is service processing function as suggested by Barnhouse (col. 6 lines 30-35).

***Allowable Subject Matter***

4. Claims 9, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Citation of Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Patent No. 6118866, Shtivelman discloses an emergency call load management system for call centers. Patent No. 6067443, Fuller et al. discloses a communicator for a telephone system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Shew whose telephone number is 571-272-3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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**FRANK DUONG**  
**PRIMARY EXAMINER**